

The Justice Gap

LSC recently issued a report entitled "Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans." The report is a result of a year-long study overseen by a committee I appointed which included individuals from within and outside LSC. The report was unanimously approved by the LSC Board of Directors on October 11, 2005.

The report used three different methodologies to examine this issue, all of which demonstrate that there is a significant shortage of civil legal assistance available to low-income Americans. The one methodology I would like to highlight is the study in which LSC asked all of its grantees to document over a two-month period the potential clients who came to their offices but could not be served by the programs due to a lack of resources. The LSC "Unable to Serve" study, the first comprehensive national statistical study of LSC programs on this subject, established that for every client who receives service, one applicant can not be helped, indicating that 50 percent of the potential clients requesting assistance from an LSC-funded program are turned away due to lack of resources. Considering that LSC grantees were instructed to count only the potential clients meeting LSC requirements, the actual need is even greater than the study indicated.

The LSC "Unable to Serve" study documents the number of real people with real problems who sought unsuccessfully to get help from LSC-funded programs. Data was obtained from every LSC program in every state in the country. This count indicates that roughly one million cases per year are being rejected because programs lack sufficient resources to handle them. (This figure does not include the many people with serious legal needs who, for whatever reason, do not contact an LSC-funded program to ask for help.)

The report also analyzed recent legal need studies in nine states about the civil legal problems faced by their low-income residents which demonstrated that less than 20 percent of the legal problems of low-income Americans were being addressed with the assistance of an attorney.*

The enormity of the justice gap documented in the report means that eliminating the gap will require a sustained, long-term effort involving a partnership of federal and state governments, the private bar, and concerned public and private parties. Although state and private support for civil legal assistance to the poor has increased in the last two decades, level (or declining after factoring in inflation) federal funding and an increased poverty population have served to increase the unmet demand. The Justice Gap report concludes that it will require increasing our nation's capacity to provide civil legal assistance to five times the current capacity. While the Legal Services Corporation cannot accomplish this alone, it is incumbent on LSC to lead the way by drawing attention to the justice gap, identifying the goal of eliminating it, and beginning to move towards closing the gap in firm, measured strides. As an initial step, there should be sufficient funding to serve all those currently seeking help from an LSC program. That would require a doubling of LSC's current funding of

the basic field grant to serve those currently seeking help from LSC-funded programs. In light of this, the LSC Board, at its October meeting, adopted management's recommendation and approved a Fiscal Year 2007 budget request to Congress of \$411,800,000. With the additional funding, LSC will seek to close the gap in measured steps by increasing its basic field grant over the next five years.

The analysis for the LSC's Justice Gap report was completed prior to September 2005 and thus does not reflect the dramatically increased need for civil legal assistance that has resulted from the impact of recent natural disasters, such as Hurricanes Katrina, Rita and Wilma. These hurricanes created a greatly expanded client-eligible population, both within the states where the hurricanes struck and throughout the entire nation where displaced evacuees have been relocated.

The hundreds of thousands affected by Hurricanes Katrina, Rita and Wilma face the challenge of rebuilding their lives,

whether in their former communities or in new communities, temporarily or permanently. Having lost, in so many cases, their homes, jobs, personal property and documentation, many evacuees will face difficulties in finding employment, obtaining disaster assistance and government benefits, using or securing bank

accounts, and accessing housing, health care and all the other services necessary in rebuilding their lives.

For many of those affected by the storms, civil legal assistance provided by LSC-funded programs will be critical to establishing their lives again, and legal services programs will play a crucial role in the recovery process. Many of the LSC staff who need to provide services in the impacted areas were also severely affected by the hurricanes, with numerous employees losing their homes and personal belongings. Given the importance of providing legal help to the evacuees, LSC began taking a number of actions to support these efforts within a few days of Hurricane Katrina. We began holding conference calls with the Executive Directors of our grantees in the Gulf Coast region, as well as Executive Directors from surrounding states, bar leaders and other national partners. We assured them that LSC will work closely with the affected programs in the region, as well as programs throughout the country where the evacuees have relocated.



Helaine M. Barnett is the President of LSC. Prior to leading LSC, she spent 37 years as an advocate at the Legal Aid Society of New York City, the last ten as head of its Civil Division.

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Considering the large numbers of individuals affected by the storms, there will be an exceptionally high demand for legal services for the foreseeable future. LSC programs and other legal services providers will be pressed to meet this unexpected demand. LSC is actively addressing these challenges. For instance, LSC issued guidance on implementing the relevant LSC regulations in response to the special circumstances presented by the effects of the hurricanes and informed its programs that it will be applying the regulations in a manner that will encourage the greatest possible assistance to those in need as a result of the hurricanes. The response to meet client needs by our programs throughout the country and of the national legal services community generally has been remarkable, as have been the significant contributions of the private bar, including office space, staffing disaster centers, substantial financial support and pro bono legal services.

Given the extent of the need, LSC programs will not be able to meet the need alone. As always, LSC's partners will play an essential role in meeting this challenge. LSC will work closely with organizations such as

NLADA, the ABA, various IOLTA programs, state and local bar associations and others to ensure that at a national level we are providing support, leadership and coordination for programs in the field.

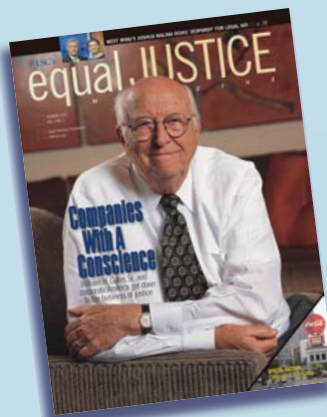
The hurricanes revealed many things to Americans and, for that matter, the world. One is the fact of poverty in America and the plight of those who live in poverty. Those most severely affected were Americans without the means to escape the hurricanes and to replace lost homes and possessions. The storms brought new attention to the gap between rich and poor in our country. This is a reality that LSC addresses each day in its efforts to close the gap in access to equal justice.

The disasters only emphasize the need to work tirelessly toward closing the documented justice gap in America. We must do everything we can to try to meet as much of the need as possible and we must renew our efforts to achieve access to justice for all Americans. ■

**A more detailed article on the Justice Gap report appears on page 11.*

Find out what equal justice advocates across the country are doing to open courtroom doors for Americans seeking access to justice.

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